Court No.3

Criminal Misc. Application No. 612/2001

(Old No. 5851 of 1988)

Prakash Chandra and another ……Applicants.

Vs.

State of U.P. and another …..Respondents.

Hon'ble Irshad Hussain, J.

None appear for the petitioners. Naveen Chandra Singh Bisht holding brief for Sri C.D.Bahuguna Advocate for the respondent No.2. Learned A.G.A. is also present for respondent No.1.

Heard and perused the record. Under proceedings initiated under section 145 of the Code of Criminal Procedure the Pargana Magistrate Pithoragarh passed the final order on 14.3.1988 holding the first party-respondent No.2 Kedar Dutt Kapari to be in possession of the property in dispute on the date of preliminary order and two months preceding the same and property attached was released in his favour till he is to be dis-possessed by the competent court. The second party, present petitioners filed revision before the Sessions Judge which was dismissed on merit per judgment and order dated 23-5-1988. Having gone through both these judgment of concurrent finding in regard to possession of the respondent No.2-first party there is no inherent perversity and therefore there being no substance and merit in the present petition the same is hereby dismissed. The subject matter of the dispute shall stand released in favour of the respondent No.2- first party subject to any order of Civil Court.

Dated: 23-9-2003 **(Irshad Hussain, J.)**

ISB